

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NICOLE RULLI, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 20-965
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Lisa Pupo Lenihan
CITY OF PITTSBURGH, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On March 23, 2021, the Magistrate Judge issued a Report (Doc. 47) recommending that Defendant Peduto's Motion to Dismiss (Doc. 31) be granted in part and denied in part.

On April 5, 2021, the parties filed a Stipulation of Dismissal, consistent with Federal Rule 41(a)(1)(A)(ii), dismissing all claims against Defendant Peduto. Doc. 48. The dismissal was effective on filing, and the Court entered notice on the docket confirming the same. *See* Dkt. text notice dated Apr. 5, 2021. The Court also noted that, to the extent the Report and Recommendation ("R&R") was "not limited to the claims against Mr. Peduto," the deadlines for objections and responses remained unaffected. *Id.*

On April 6th, Plaintiffs filed Objections, stating their belief that the R&R should be vacated as moot. *See* Doc. 49, at Wherefore clause. On April 12th, Defendant Peduto filed a Motion to Intervene (Doc. 50), for the limited purpose of responding to the Objections.

The gist of Defendant Peduto's putative-response is that the R&R should not be vacated, but merely is moot. *See* Doc. 51 at 2.

The parties' disagreement is more semantical than anything. In light of Defendant Peduto's dismissal, the discussions in the R&R regarding the claims against him are moot. The R&R is neither properly adopted, nor vacated, in this context.

As for Judge Lenihan's single proposed adjudication reaching beyond the scope of Defendant Peduto – that 28 U.S.C. § 1345 does not present an independent, viable claim in this case – this conclusion is not disputed by the parties. *See* Doc. 49 at ¶ 6. Accordingly, and because Judge Lenihan is correct on the law, the R&R will be adopted in that regard.

Consistent with the foregoing, and after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered: the R&R (Doc. 47) is adopted as the Opinion of the District Court, as relates to 28 U.S.C. § 1345, and otherwise is moot. Also, Defendant Peduto's Motion to Intervene (**Doc. 50**) is **DENIED AS MOOT**.

IT IS SO ORDERED.

April 13, 2021

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record